

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Document Relates To:

Bellwether III Cases
Case No. 17-10164

_____/

**JOINT STIPULATION REGARDING SCHEDULING ORDER FOR
BELLWETHER III TRIAL**

Bellwether III Plaintiffs and Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (the “VNA Defendants”), Leo A. Daly Company, Lockwood Andrews & Newnam, P.C., and Lockwood Andrews & Newnam, Inc. (the “LAN Defendants”), hereby stipulate and agree to extend certain pre-trial deadlines in the Scheduling Order for the Bellwether III Trial as follows. The parties have agreed to these modest extensions since the Court indicated that it would continue the Bellwether III Trial date to a date that is to be determined. The parties may seek further modifications related to the Bellwether III schedule once the Court sets a new Bellwether III Trial date.

| <u>Event</u> | <u>Current Deadline/Date Range proposed in ECF No. [2426] (filed April 27, 2023)</u> | <u>New Deadline/Date Range</u> |
|--|---|---------------------------------------|
| Dr. Specht MATLAB code delivered | n/a | June 1, 2023 |
| Dr. Specht Deposition | | June 12, 2023 through June 16, 2023 |
| Defendants' Expert Reports and Disclosures (for experts not responsive to Bithoney ("Group A Defense Experts") ¹ | May 26, 2023 | June 26, 2023 |
| Plaintiffs' Reply Expert Reports (for those who are responsive to Group A Defense Experts) + Due Date for Bithoney Replacement Expert Report and Complete Disclosure | June 16, 2023 | July 17, 2023 |
| Depositions of Plaintiffs' Experts (Dr. Bithoney and Replacement of Dr. Bithoney) + Defendants' IMEs of Plaintiffs (if | June 19, 2023 to July 7, 2023 | July 19, 2023 to August 7, 2023 |

¹ Having now set the date range for Dr. Specht's deposition, this disclosure deadline includes Defendants' experts responsive to Dr. Aaron Specht.

| | | |
|--|--------------------------------|------------------------------------|
| needed) | | |
| Defendants' Reply Expert Reports (for Group A Defense Experts) | June 30, 2023 | July 31, 2023 |
| Defendants' Expert Depositions (of Group A Defense Experts) (shall be limited only to those experts for whom the parties submit new or additional reports) | July 3, 2023 to July 21, 2023 | August 2, 2023 to August 21, 2023 |
| Defendants' Expert Reports and Disclosures (for experts responsive to Bithoney or Bithoney replacement ("Group B Defense Experts")) | July 21, 2023 | August 21, 2023 |
| Plaintiffs' Reply Expert Report Depositions (for those who are responsive to Group A Defense Experts) | July 24, 2023 to July 28, 2023 | August 23, 2023 to August 28, 2023 |
| Plaintiff Reply Expert Reports (for those who are responsive to Group B Defense Experts) | August 7, 2023 | September 6, 2023 |
| Defendants' Reply Expert Reports (for | August 18, 2023 | September 18, 2023 |

| | | |
|---|--|--|
| Group B Defense Experts) | | |
| Defendants' Expert Depositions (of Group B Expert Reports) (shall be limited only to those experts for whom the parties submit new or additional reports) | August 21, 2023 to September 11, 2023 | September 20, 2023 to October 11, 2023 |
| Plaintiffs' Reply Expert Report Depositions (for those who are responsive to Group B Defense Experts) | September 12, 2023 to September 19, 2023 | October 12, 2023 to October 19, 2023 |
| Daubert and Summary Judgment Motions—Opening Briefs | September 27, 2023 | October 27, 2023 |
| Daubert and Summary Judgment Response Briefs | October 25, 2023 | November 27, 2023 |
| Daubert and Summary Judgment Reply Briefs | November 8, 2023 | December 8, 2023 |
| Motions in Limine—Opening Briefs | December 4, 2023 | January 3, 2023 |
| Deadline for parties to submit joint proposed jury questionnaire to the Court | TBD | TBD |
| Deadline for Parties to | TBD | TBD |

| | | |
|--|-------------------|------------------|
| send 250 copies of Juror Questionnaires to Judge Levy's Chambers in Ann Arbor, Michigan | | |
| Plaintiffs to Submit to Defendants Draft Joint Pretrial Order (includes witness list and exhibit list) | December 8, 2023 | January 8, 2024 |
| Jurors Summoned in Court to Answer Questionnaires | TBD | TBD |
| Hearing Regarding Excusals Based on Jury Questionnaire Responses | TBD | TBD |
| Motions in Limine Response Briefs | December 18, 2023 | January 17, 2024 |
| Defendants to Submit to Plaintiffs Draft Joint Pretrial Order (includes witness list and exhibit list) and engage in meet and confer | December 22, 2023 | January 22, 2024 |
| Motions in Limine Reply Briefs | December 27, 2023 | January 26, 2024 |
| Oral Argument on Daubert Motions | TBD | TBD |
| Oral Argument on Summary Judgement motions | TBD | TBD |

| | | |
|--|-----------------------------|------------------|
| Deposition Designations (due for exchange between parties) | TBD | TBD |
| Parties to submit Voir Dire Questions, Proposed Preliminary Jury Instructions | January 1, 2024 | January 31, 2024 |
| Parties to submit Joint Final Pretrial Order | January 5, 2024 | February 5, 2024 |
| Objections to Deposition Designations and Counter Designations (due for exchange between parties) | TBD | TBD |
| Deadline for Submitting Deposition Designations Matrices and Highlighted Transcripts to the Court | TBD | TBD |
| Deadline for Court to Inform Jury Department of Excusals Based on Questionnaires | TBD | TBD |
| Final Pretrial Conference, hearing on motions in limine | January 15, 2024 10:30am | TBD |
| Hearing Regarding | February 6, 2024 | TBD |

| | | |
|---------------------------------------|-------------------------|-----|
| Misc. Pretrial Matters (if needed) | 10:30am | |
| First Day of Trial/Voir Dire | February 7, 2024 8:30am | TBD |

Dated: May 25, 2023

Respectfully submitted,

CAMPBELL CONROY &
O'NEIL, P.C.

MAYER BROWN LLP

/s/ James M. Campbell

James M. Campbell
Alaina N. Devine
20 City Square, Suite 300
Boston, MA 02129
(617) 241-3000
jmcampbell@campbell-trial-lawyers.com
adevine@campbell-trial-lawyers.com

/s/ Michael A. Olsen

Michael A. Olsen
71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
molsen@mayerbrown.com

***ATTORNEYS FOR VEOLIA WATER NORTH AMERICA OPERATING
SERVICES, LLC, VEOLIA NORTH AMERICA, LLC, AND VEOLIA NORTH
AMERICA, INC.***

/s/Wayne B. Mason

Wayne B. Mason (SBOT 13158950)
Travis S. Gamble (SBOT 00798195)
S. Vance Wittie (SBOT 21832980)
David C. Kent (SBOT 11316400)
FAEGRE DRINKER BIDDLE &
REATH LLP
1717 Main St., Suite 5400
Dallas TX 75201
(469) 227-8200

/s/ Philip A. Erickson

Philip A. Erickson (P37081)
Patrick Lannen (P73031)
John R. Stevenson (P70241))
PLUNKETT COONEY
101 N. Washington Sq., Ste 1200
Lansing, MI 48933
(517) 324-5608
perickson@plunkettcooney.com
plannen@plunkettcooney.com

wayne.mason@dbr.com
travis.gamble@dbr.com
vance.wittie@dbr.com
david.kent@dbr.com

jstevenson@plunkettcooney.com

ATTORNEYS FOR DEFENDANTS
LEO A. DALY COMPANY; LOCKWOOD, ANDREWS &
NEWNAM, INC. and LOCKWOOD, ANDREWS & NEWNAM, P.C.

/s/ Corey M. Stern

Corey M. Stern
Melanie Daly
LEVY KONIGSBERG, LLP
605 3rd Ave., 33rd Floor
New York, NY 10158
(212) 605-6200
cstern@levylaw.com
mdaly@levylaw.com

/s/ Patrick J. Lanciotti

Patrick J. Lanciotti
NAPOLI SHKOLNIK PLLC
360 Lexington Avenue, 11th Floor
New York, NY, 10017
(212) 397-1000
planciotti@napolilaw.com

ATTORNEYS FOR BELLWETHER III PLAINTIFFS